IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 3706 of 2007(N)

PETITIONER:

OOLLYMANKA, KOOMPAYIL HOUSE,
PALLIPPURAM, CHERTHALA, REPRESENTED BY THE
POWER OF ATTORNEY HOLDER K.M.GOPALAKRISHNAN,
KOOMPAYIL HOUSE, PALLIPPURAM P.O., CHERTHALA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, ALAPPUZHA.

2. THE SPECIAL TAHSILDAR,
INDUSTRIAL GROWTH CENTRE, CHERTHALA.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.3706 OF 2007

DATED THIS THE 12th DAY OF FEBRUARY, 2007

JUDGMENT

Property of petitioner was acquired for the Industrial growth Centre, Cherthala in L.A.311/2000 and L.A.292/2000. An award was also passed. Though the claim made by petitioner for enhanced compensation was rejected on the ground that reference application was filed beyond the period of limitation, petitioner later submitted Ext.P3 and P4 applications under Section 28A of Land Acquisition Act contending that for similar properties comprised in L.A.R.8/03,19/03,27/03and 28/03, Court has enhanced compensation as per judgment dated, 31.3.06 and therefore petitioner is also entitled to get enhanced compensation as provided under Section 28A. This petition is filed seeking a writ of mandamus to respondents to dispose of Exts.P3 and P4 applications, within a time schedule contending that Exts.P3 and P4 applications were received by respondents under Ext.P5 postal acknowledgment card but no order was passed, even though the applications were submitted on 30.9.06.

2. Learned Counsel appearing for petitioner and learned Government Pleader were heard.

3. Ext.P5 postal acknowledgment card establishes that Exts.P3 and P4 applications were received by respondents. When a claim is raised as provided under Section 28A of Land Acquisition Act, respondents are bound to pass appropriate order in accordance with law. This petition is disposed of directing respondents to pass appropriate order in accordance with law in Exts.P3 and P4 applications within three months from the date of receipt of a copy of this judgment.

M.SASIDHARAN NAMBIAR,JUDGE

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